

SENATE BILL 190  
By Rochelle

AN ACT to amend Tennessee Code Annotated, Section 39-17-420, Section 53-11-415 and Section 53-11-452, relative to drug fines and forfeitures and accounting for proceeds in a special revenue fund.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 39-17-420, is amended by deleting subsection (a) in its entirety and substituting instead the following:

(a) Except as provided in subsection (d), all fines and forfeitures of appearance bonds received because of a violation of any provision of this part and that are specifically set forth in this part, and the proceeds of goods seized and forfeited under the provisions of Section 53-11-451 and disposed of according to law, shall be accounted for in a special revenue fund of the jurisdiction that initiated the arrest. All financial activities related to funds received under this part shall be accounted for in this fund. Cash transactions related to undercover investigative operations of county or municipal drug enforcement programs shall be administered in compliance with procedures established by the Comptroller of the Treasury. Monies in the special revenue fund may be used only for the following purposes: (1) local drug enforcement program; (2) local drug education program; and, (3) nonrecurring general law enforcement expenditures. The chief law enforcement officer and the mayor of a municipality (or other chief executive officer of a metropolitan government) and the chief law enforcement officer of a county shall recommend a budget for the special revenue fund, to be approved by the respective

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legislative bodies according to law. Expenditures from the special revenue fund are subject to the availability of funds and budgetary appropriations for the expenditure. Any purchase made with monies from the fund shall be made in accordance with all existing purchasing laws applicable to the particular county or municipality. All fines and forfeitures resulting from cases and actions of the Tennessee bureau of investigation shall be paid to the state treasurer, to be used only as appropriated by the general assembly. If goods are seized by a combination of the Tennessee bureau of investigation and county and/or municipal law enforcement personnel, the court ordering their disposal shall determine the allocation of proceeds upon disposition of the goods. In all other cases, fines and forfeitures and goods and their proceeds shall be disposed of as otherwise provided by law.

SECTION 2. Tennessee Code Annotated, Section 39-17-420, is further amended by deleting subsection (b) in its entirety, but the lettering of subsequent subsections is specifically retained.

SECTION 3. Tennessee Code Annotated, Section 39-17-420, is further amended in subsection (g) by deleting the words "any law enforcement agency" in the first sentence following the words "effective July 1, 1994", and substituting instead "any county or municipality".

SECTION 4. Tennessee Code Annotated, Section 39-17-420, is further amended in subsection (g) by deleting the words "or systems served by such law enforcement agency" and substituting instead "or systems within such county or municipality".

SECTION 5. Tennessee Code Annotated, Section 53-11-415, is amended by deleting the section in its entirety and substituting instead the following:

The county or municipality shall account for those funds received under the provisions of Title 39, Chapter 17, Part 4, in a special revenue fund. Upon demand of the chief executive of the arresting law enforcement agency, the county or municipality shall pay

to that agency the funds demanded for use in cash transactions related to undercover investigative drug enforcement operations. The amount of the funds demanded and the requirement to pay the funds are subject to the availability of funds and budgetary appropriations for that purpose.

SECTION 6. Tennessee Code Annotated, Section 53-11-452 (h)(2)(B), is amended by adding the following at the end of the subdivision:

Any purchase made with these proceeds shall be made in accordance with all purchasing laws applicable to the particular local government.

SECTION 7. This act shall take effect on July 1, 1997, the public welfare requiring it.